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# Facsimile Cover Sheet

*LEGAL INSTRUMENT EXAMINER (LIE)*

To: Hon. Commissioner for Patents, TC2600 From: Craig S. Fischer

Fax: (703) 872-9306 Pages: 8 (inclusive)

Re: Serial No.: 09/400,346 Date: February 25, 2004  
Filed: September 20, 1999  
Attorney Docket No: MCS-058-99

Urgent  For Review  Please Comment  Please Reply

## CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

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on February 25, 2004

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This correspondence includes the following attached papers:

1. Facsimile Cover Sheet including Certificate of Transmission under 37 C.F.R. § 1.8 (1 page);
2. Notice of Non-Compliant Amendment Amendment Transmittal Letter (2 pages);
3. Corrected Section (including 1<sup>st</sup> page and "Claims" section) of Amendment under 37 C.F.R. § 1.111 (5 pages)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,346	09/20/1999	KENTARO TOYAMA	MCS-058-99	3337
27662	7590	02/02/2004	EXAMINER	
LYON & HARR, LLP			LB, BRIAN Q	
300 ESPLANADE DRIVE, SUITE 800				
OXNARD, CA 93036				
		ART UNIT		PAPER NUMBER
		2623		18
DATE MAILED: 02/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.



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Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 1-14-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

## THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_
- 3. Amendments to the drawings: \_\_\_\_\_
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preonnotice/officelayer.pdf>.

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

703-308-6054  
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